

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

KEITH RUSSELL JUDD,

Plaintiff,

v.

CIVIL ACTION NO. 2:00-0213

UNITED STATES OF AMERICA, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**


Pending before the court is the plaintiff's *Motion for Relief from Judgment Dismissing 28 U.S.C. § 2255 Proceeding Under Savings Clause: 28 U.S.C. § 2241; 28 U.S.C. § 1631; Fed.R. Civ. P., Rule 60(b)* [Docket 46]. Pursuant to 28 U.S.C. § 636(b), the court referred said motion [Docket 46] to the Honorable Mary E. Stanley, United States Magistrate Judge. Magistrate Judge Stanley has submitted to this court proposed findings of fact and recommendation for disposition. Objections to the findings were due on April 15, 2005. Also pending is the plaintiff's motion for an extension of time to file those objections [Docket 51].

The plaintiff's motion for an extension [Docket 51] is hereby **DENIED** because he has not provided any persuasive justification for missing the April 15 deadline for filing objections. The court has reviewed the Magistrate Judge's *Proposed Findings and Recommendation* and agrees with the Magistrate Judge's thorough analysis of the issues. The plaintiff's motion for relief from judgment [Docket 46] is **DENIED**. Furthermore, the plaintiff has a documented history of filing frivolous and repetitive motions and abusing the judicial process generally. As the Magistrate Judge noted, he has been barred from filing any further pleadings in the United States District Court for

the Western District of Texas. The plaintiff appears to now be filing pleadings with this court solely to avoid the restrictions placed on him in the Texas courts. Accordingly, I **FIND** that this court lacks jurisdiction over any proceedings pertaining to the plaintiff's criminal conviction in Texas and hereby **ORDER** the plaintiff to refrain from any further filings in this court concerning post-conviction remedies.

The court **DIRECTS** the Clerk to send a certified copy of this Written Opinion and Order to Magistrate Judge Stanley, counsel of record, and any unrepresented parties.

ENTER: June 7, 2005

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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE